



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

June 12, 2007

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 330** – Optasite Towers, LLC and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 1294 Pleasant Valley Road North, Groton, Connecticut.

By its Decision and Order dated June 11, 2007, the Connecticut Siting Council granted a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 1294 Pleasant Valley Road North, Groton, Connecticut.

Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order.

SDP/CDM/laf

Enclosures (3)

c: State Documents Librarian



CONNECTICUT SITING COUNCIL
Affirmative Action / Equal Opportunity Employer



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June 12, 2007

Julie Kohler, Esq.
Carrie L. Larson, Esq.
Deborah S. Erickson, Esq.
Cohen and Wolf, P.C.
1115 Broad Street
Bridgeport, CT 06604

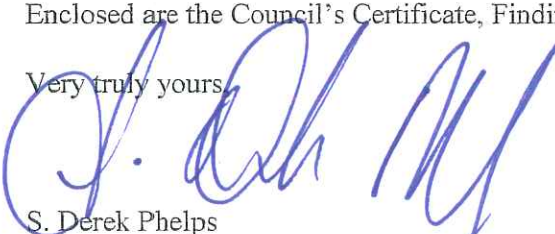
RE: **DOCKET NO. 330** – Optasite Towers, LLC and Omnipoint Communications, Inc.
application for a Certificate of Environmental Compatibility and Public Need for the
construction, maintenance and operation of a telecommunications facility at 1294
Pleasant Valley Road North, Groton, Connecticut.

Dear Attorney Kohler, Attorney Larson, and Attorney Erickson:

By its Decision and Order dated June 7, 2007, the Connecticut Siting Council (Council) granted
a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction,
maintenance and operation of a telecommunications facility at 1294 Pleasant Valley Road North,
Groton, Connecticut.

Enclosed are the Council's Certificate, Findings of Fact, Opinion, and Decision and Order.

Very truly yours,



S. Derek Phelps
Executive Director

SDP/CDM/laf

Enclosures (4)



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CERTIFICATE
OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
DOCKET NO. 330

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to Optasite Towers, LLC for the construction, maintenance and operation of a telecommunications facility at 1294 Pleasant Valley Road North, Groton, Connecticut. This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on June 7, 2007

By order of the Council,

June 7, 2007

Daniel F. Caruso, Chairman



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

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June 12, 2007

TO: Classified/Legal Supervisor
330070418
The Day
47 Eugene O'Neill Drive, P. O, Box 1231
New London, CT 06320-1231

Classified/Legal Supervisor
330070418
Groton Times
The Day
47 Eugene O'Neill Drive, P. O, Box 1231
New London, CT 06320-1231

Classified/Legal Supervisor
330070418
The Norwich Bulletin
66 Franklin Street
Norwich, CT 06360

FROM: Lisa A. Fontaine, Administrative Assistant

RE: **DOCKET NO. 330** – Optasite Towers, LLC and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 1294 Pleasant Valley Road North, Groton, Connecticut.

Please publish the attached notice as soon as possible, but not on Saturday, Sunday, or a holiday.

Please send an affidavit of publication and invoice to my attention.

Thank you.

LAF



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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NOTICE

Pursuant to General Statutes § 16-50p (d), the Connecticut Siting Council (Council) announces that, on June 7, 2007, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from Optasite Towers, LLC and Omnipoint Communications, Inc. for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 1294 Pleasant Valley Road North, Groton, Connecticut. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.

DOCKET NO. 330 – Optasite Towers, LLC and Omnipoint } Connecticut
Communications, Inc. application for a Certificate of }
Environmental Compatibility and Public Need for the } Siting
construction, maintenance and operation of a telecommunications }
facility at 1294 Pleasant Valley Road North in Groton, } Council
Connecticut.

June 7, 2007

Findings of Fact

Introduction

1. Pursuant to Chapter 277a, Sections 16-50g et seq. of the Connecticut General Statutes (CGS), as amended, and Section 16-50j-1 et. seq. of the Regulations of Connecticut State Agencies, Optasite Towers, LLC (Optasite) and Omnipoint Communications, Inc., a subsidiary of T-Mobile USA, Inc., (T-Mobile) applied to the Connecticut Siting Council (Council) on February 22, 2007 for the construction, operation, and maintenance of a telecommunications facility to be located at 1294 Pleasant Valley Road North in the Town of Groton, Connecticut. (Optasite 1, p. 1)
2. Optasite is a Delaware limited liability corporation with offices at One Research Drive, Suite 200C, Westborough, Massachusetts. Optasite would construct and maintain the proposed facility. (Optasite 1, p. 3)
3. T-Mobile is a Delaware corporation with a Connecticut office at 100 Filley Street, Bloomfield, Connecticut. The company and its affiliated entities are licensed by the Federal Communications Commission (FCC) to construct and operate a personal wireless services system in Connecticut. T-Mobile does not conduct any other business in the State of Connecticut other than the provision of wireless services under FCC rules and regulations. (Optasite 1, p. 3)
4. The parties in this proceeding are the applicants, Optasite and T-Mobile. (Transcript, April 18, 2007, 3:00 p.m. [Tr. 1], p. 6)
5. The proposed facility would provide wireless service in the towns of Groton and Ledyard along Routes 12 and 32, as well as in adjacent areas. (Optasite 1, p. 1)
6. The main objective T-Mobile seeks to achieve at this site is the enhancement of coverage, both in-building and in-vehicle, along Route 12. It is particularly interested in providing reliable in-building coverage on the naval base next to Route 12, where T-Mobile has a large number of customers since the Navy Exchange is a licensed re-seller of T-Mobile phones. (Tr. 1, pp. 21-22)
7. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public hearing on April 18, 2007, beginning at 3:00 p.m. and continuing at 7:00 p.m. at Groton's Town Hall Annex at 134 Groton Long Point Road in Groton, Connecticut. (Tr. 1, p. 2 ff.)

8. The Council and its staff conducted an inspection of the proposed site on April 18, 2007, beginning at 2:00 p.m. On the day of the field inspection, the applicants attempted to fly a balloon beginning around 7:45 a.m. to simulate the height of the proposed tower. Due to high winds, however, the applicants lost several balloons and were unable to keep a balloon at the approximate height of the proposed tower for very long. Weather conditions did not allow the balloon flight to provide a fair assessment of the tower's visibility to the surrounding vicinity. (Tr. 1, p. 33)
9. Pursuant to CGS § 16-50(b), notice of the applicants' intent to submit this application was published on February 13 and 15, 2007 in New London's The Day and on February 12 and 14, 2007 in the Norwich Bulletin. (Optasite 1, p. 4)
10. In accordance with CGS § 16-50(b), Optasite sent notices of its intent to file an application with the Council to each person appearing of record as owner of property abutting the property on which the site is located. (Optasite 1, p. 4, Exhibit E)
11. Optasite did not receive return receipts from two of the seven abutters to whom notices were sent. A second certified mailing was sent to the two property owners from whom receipts were not received on March 23, 2007. (Optasite 2, Response 1)
12. Optasite did not receive return receipts from the second notice sent to two abutters and sent a third certified notice. It had not received any return receipts from these two abutters at the time of the Council's public hearing. (Tr. 1, p. 35)
13. Pursuant to CGS § 16-50(b), Optasite provided notice to all federal, state and local officials and agencies listed therein. (Optasite 1, p. 4, Exhibit C)
14. Optasite posted a sign at the driveway entrance to the property on which the proposed facility would be located on April 3, 2007. The sign was four feet by six feet with black lettering on a white background. (Tr. 1, p. 35)

State Agency Comment

15. Pursuant to CGS § 16-50, the Council solicited comments on Optasite's application from the following state departments and agencies: Department of Environmental Protection, Department of Public Health, Council on Environmental Quality, Department of Public Utility Control, Office of Policy and Management, Department of Economic and Community Development, and the Department of Transportation. The Council's letters requesting comments were sent on March 20, 2007 and on April 20, 2007. (CSC Hearing Package dated March 20, 2007 and Letter to State Agency heads dated April 20, 2007)
16. Connecticut's Department of Public Health responded to the Council's solicitation with no comments. (DOPH Memorandum dated March 29, 2007)
17. The Connecticut Department of Transportation responded to the Council's solicitation with no comments. (ConnDOT Letter dated April 16, 2007)
18. The Council did not receive comments from any other state agencies. (Record)

Municipal Consultation

19. Optasite submitted a letter and technical report to the Town of Groton on December 15, 2006. The technical report described the proposed facility and discussed the public need for it. (Optasite 1, p. 18)
20. Because the Town of Ledyard is within 2,500 feet of the proposed site, Optasite submitted a letter and technical report to this municipality in accordance with CGS § 16-501 (e). (Optasite 1, Exhibit P)
21. Optasite representatives met with Groton officials, including Mark Oefinger, Town Manager, and Michael Murphy, Director of Planning and Development, to discuss the proposed facility. (Optasite 1, p. 18)
22. The Town of Ledyard declined to comment on the proposal. (Optasite 1, p. 18)
23. The Town of Groton has indicated that it has a gap in its emergency services coverage in the area of the proposed facility and may be interested in locating equipment on the proposed tower. (Optasite 2, Response 4)
24. The Town of Groton's Planning Department submitted a letter addressing Optasite's proposal in which it identified several items that it wanted addressed. These items were: that there should not be any advertising on the tower; that the tower should be removed within 12 months should it stop being used; that adequate fire access should be provided for the fire department; and that the tower should conform to state building code requirements. (Letter from Groton Planning Department dated April 18, 2007)

Public Need for Service

25. The United States Congress, through adoption of the Telecommunications Act of 1996, recognized the important public need for high quality telecommunication services throughout the United States. The purpose of this Act, which was a comprehensive overhaul of the Communications Act of 1934, was to "provide for a competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies to all Americans." (Optasite 1, p. 5)
26. The Telecommunications Act of 1996 prohibits local and state bodies from discriminating among providers of functionally equivalent services. (Council Administrative Notice, Telecommunications Act of 1996)
27. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. This Act also blocks the Council from prohibiting or acting with the effect of prohibiting the provision of personal wireless service. (Council Administrative Notice, Telecommunications Act of 1996)

28. In an effort to ensure the benefits of wireless technologies to all Americans, Congress enacted the Wireless Communications and Public Safety Act of 1999 (the 911 Act). The purpose of this legislation was to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. (Optasite 1, p. 6)
29. The proposed facility would be an integral component of T-Mobile's E911 network. (Optasite 1, p. 7)
30. Verizon and Sprint/Nextel have expressed a general interest in locating antennas on the proposed tower. Neither carrier, however, has entered into a lease or memorandum of agreement. (Optasite 2, Response 6)
31. The Town of Groton has indicated that it has a gap in its emergency services communications coverage in this area of town and that it could be interested in locating antennas on this tower. (Optasite 3, Pre-filed testimony of Tom Flynn, p. 4; Tr. 1, pp. 40-41)

Site Selection

32. Optasite began its search for a facility in this area in May of 2006 at the request of T-Mobile, which determined it had a need for better coverage in this area. (Optasite 2, Responses 2 & 3)
33. Optasite identified fifteen towers, either existing or proposed, within approximately four miles of the site search area. (Optasite 1, p. 8)
34. Optasite found no existing towers or transmission line structures with sufficient height for T-Mobile's purposes in the northern Groton area. (Optasite 1, p. 8)
35. Optasite considered several other sites in addition to proposed site. Other properties considered are described below with a determination of their suitability.

Location Considered	Suitability
1276 Pleasant Valley Road North, owned by JFM Enterprises	Rejected because it is developed for residential use.
336 Briar Road, owned by George and Beverly Letz	Property described as "undevelopable" in Groton assessor's office because of extreme grade and rocky terrain
103 South Road, Ledyard	Owner of property declines offers to consider tower on property
0 Pleasant Valley Road North, site of Trident Park Navy Housing	Property does not have sufficient room available for tower site
0 Route 12, Navy Sub Base – water tank on site	Optasite sought to co-locate on water tank but was denied

(Optasite 1, Exhibit H; Optasite 2, Response 15)

36. Repeaters, microcell transmitters, distributed antenna systems and other types of transmitting technologies are not a practicable or feasible means to provide service within the sizeable coverage gap T-Mobile is seeking to cover in this area. (Optasite 1, p. 7)

Site Description

37. Optasite's proposed facility would be on a 3.66 acre parcel located at 1294 Pleasant Valley Road North. The property is owned by JFM Enterprises. It is used as a dog boarding and grooming business and a horse paddock, but large portions of it are undeveloped. The property is located east of Route 12 in Groton. Route 32, which would also be covered by this site, is located across the Thames River in Waterford. (Optasite 1, p. 2; Record)
38. The JFM property is zoned RU-20, a designation that is primarily for single family residences on 20,000 square foot lots. Telecommunications towers are allowed in RU-20 zoning districts subject to the approval of a special permit. (Optasite 1, p. 2; Optasite Bulk Filing, Groton Zoning Regulations)
39. The proposed facility would be located in the north central portion of the JFM property at the edge of a cleared area. The facility would consist of a 140-foot steel monopole within a 50-foot by 50-foot compound. The compound would be enclosed by an eight-foot chain link fence. (Optasite 1, p. 9)
40. Optasite's lease area on the JFM property would be 50 feet by 50 feet. (Tr. 1, p. 41)
41. The tower would be located at 41° 23' 59.9" latitude and 72° 04' 45.2" longitude. Its elevation at ground level would be 142 feet above mean sea level. (Optasite 1, Exhibit A)
42. The tower would be designed in accordance with the specifications of the Electronic Industries Association Standard ANSI/EIA/TIA-222-G, "Structural Standards for Steel Antenna Towers and Antenna Support Structures," and would comply with the State Building Code. (Optasite 2, Response 7)
43. The tower would be designed to accommodate four sets of antennas for the wireless carriers active in Connecticut and public safety antennas for the City of Groton, if requested. (Optasite 1, p. 2)
44. On the proposed tower, T-Mobile would initially install six antennas on a platform at a centerline height of 137 feet above ground level (AGL). (Tr. 1, p. 37)
45. T-Mobile's ground equipment would consist of cabinets on a concrete pad. (Optasite 2, Response 18)
46. T-Mobile would use batteries as its back-up power source. (Optasite 2, Response 19)
47. Installation of the facility's access road would require the excavation of approximately 55 cubic yards of material. Another estimated 592 cubic yards of unsuitable fill material would need to be excavated and replaced with adequate structural fill for the proposed tower foundation and equipment compound. (Optasite 2, Response 9)

48. Vehicular access to the site would extend from Pleasant Valley Road North 180 feet over an existing asphalt driveway, then 60 feet over an existing gravel driveway, and then 130 feet over a new gravel access drive that would be installed. (Optasite 1, p. 9; Exhibit A)
49. Utilities to the site would extend from existing service on Pleasant Valley Road North underground to the proposed compound. (Optasite 1, p. 9)
50. No blasting should be needed to develop this facility. (Optasite 2, Response 10)
51. The property closest to the proposed compound is located 45 feet to the north. It is owned by Robert and Rosemary Rohner. (Optasite 1, Exhibit A)
52. The tower's setback radius would extend approximately 90 feet onto the abutting property to the north. (Optasite 1, Exhibit A)
53. The nearest residence is located 375 feet to the southeast. It is owned by Andrew and Jennifer Macierowski. (Optasite 1, Exhibit A)
54. There are 15 residences within 1,000 feet of the proposed tower location. (Optasite 2, Response 8)
55. The land use in the vicinity of the proposed facility is primarily residential, with some commercial. Forested land and a horse corral abut the host property to the north. (Optasite 1, Exhibit I)
56. The estimated cost of construction for this facility, not including carriers' antennas and support equipment, is:

Tower and Foundation Costs	\$ 74,000
Site development costs	74,000
<u>Utility Installation</u>	<u>31,000</u>
Total costs	\$179,000

(Optasite 1, p. 20)

Environmental Considerations

57. The proposed project would have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. (Optasite 1, Exhibit M)
58. No known extant populations of Federal or State Endangered, Threatened or Special Concern Species occur at the proposed site. (Optasite 1, Exhibit M – Letter from Connecticut Department of Environmental Protection)
59. According to the U.S. Fish and Wildlife Service, no federally-listed or proposed, threatened or endangered species or critical habitat occur in the area of the proposed facility. (Optasite 1, Exhibit M – Letter from U.S. Fish and Wildlife Service)

60. The closest wetlands to the proposed facility are approximately 110 feet to the south of the proposed compound. (Optasite 2, Response 13)
61. Optasite would employ soil erosion control measures and other best management practices, as established by the Council of Soil and Water Conservation, during the construction of the proposed facility. (Optasite 1, p. 17)
62. No trees with a diameter of six inches or greater at breast height would be removed to construct the access road or compound. (Optasite 1, Exhibit A – Letter from Clough Harbour & Associates)
63. The Federal Aviation Administration determined that the proposed facility would not be a hazard to air navigation and would not require marking or lighting. (Optasite 1, Exhibit Q)
64. The maximum power density from the radio frequency emissions of T-Mobile's proposed antennas would be 2.64% of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed tower. This calculation was based on a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) that assumes all antennas would be pointed at the base of the tower and all channels would be operating simultaneously. (Optasite 1, Exhibit N)

Visibility

65. The proposed tower would be visible year-round from approximately 245 acres within a two-mile radius of the site. Of this total, water on the Thames River accounts for approximately 217 acres. An additional 23 acres are within the US Naval Reservation located west of the site. (Optasite 1, Exhibit J)
66. The tower would be seasonally visible from approximately 37 acres within a two-mile radius of the site. These acres are mostly limited to the immediate vicinity of the proposed facility, generally within 0.20 miles of the site. (Optasite 1, Exhibit J)
67. The proposed tower would be visible for approximately 1,650 feet on Route 12. (Optasite 1, Exhibit J – Viewshed Map)
68. An estimated eight residential properties would have a partial year-round view of the proposed tower. Two or three more residences would have a year-round view once the Woods Walk Condominiums, under construction at the time of this application, are finished. (Optasite 1, Exhibit J)
69. Approximately ten residences would have partial, seasonal views of the proposed tower. (Optasite 1, Exhibit J)

70. The visibility of the proposed tower from different vantage points in the surrounding vicinity is summarized in the following table.

<u>Location</u>	<u>Visible</u>	<u>Approx. Portion of (120') Tower Visible (ft.)</u>	<u>Approx. Distance and Direction to Tower</u>
	<u>Site</u>		<u>Site</u>
1 – 1276 Pleasant Valley Road North	Yes	120'	470 feet; NE
2 – Ohio Avenue north of Rhode Island Drive	Yes	80'	900 feet; NE
3 – Murphy's Drive in Woods Walk Condos	Yes	20'	2400 feet; NE
4 – Pleasant Valley Road North, north of entrance to host property	Yes	50'	120 feet; SW

(Optasite 1, Exhibit J)

Existing and Proposed Wireless Coverage

71. T-Mobile's licensed operating frequencies in the New London area are:

Transmit: 1935.000 to 1945.000 MHz & 1983.000 and 1984.000 MHz

Receive: 1855.000 to 1865 MHz & 1903.000 and 1904.000 MHz

(Optasite 2, Response 22)

72. T-Mobile has an existing coverage gap of approximately 1.5 miles on Route 12. It has two smaller gaps along Route 32 that total 1.3 miles. The proposed facility would substantially cover the gap on Route 12. It would also cover the smaller, more southerly gap on Route 32. The proposed site, however, is not designed to completely cover T-Mobile's gaps on Route 32. T-Mobile has plans to cover this area with another site in the future. (Optasite 2, Response 21)
73. T-Mobile's antennas would cover approximately two miles along Route 12 from the proposed site. (Tr. 1, p. 36)
74. T-Mobile's antennas could provide in-vehicle coverage for approximately four miles on Route 32. (Tr. 1, pp. 36-37)
75. T-Mobile's modeling of the proposed site's coverage was confirmed by a drive test. (Tr. 1, p. 16)
76. The existing signal strength along Route 12 in the area that would be served by the proposed facility ranges down to -110 dBm. (Optasite 2, Response 24)
77. T-Mobile's minimum design signal strength is -84 dBm, which is the minimum required for in-vehicle coverage. (Optasite 2, Response 23)

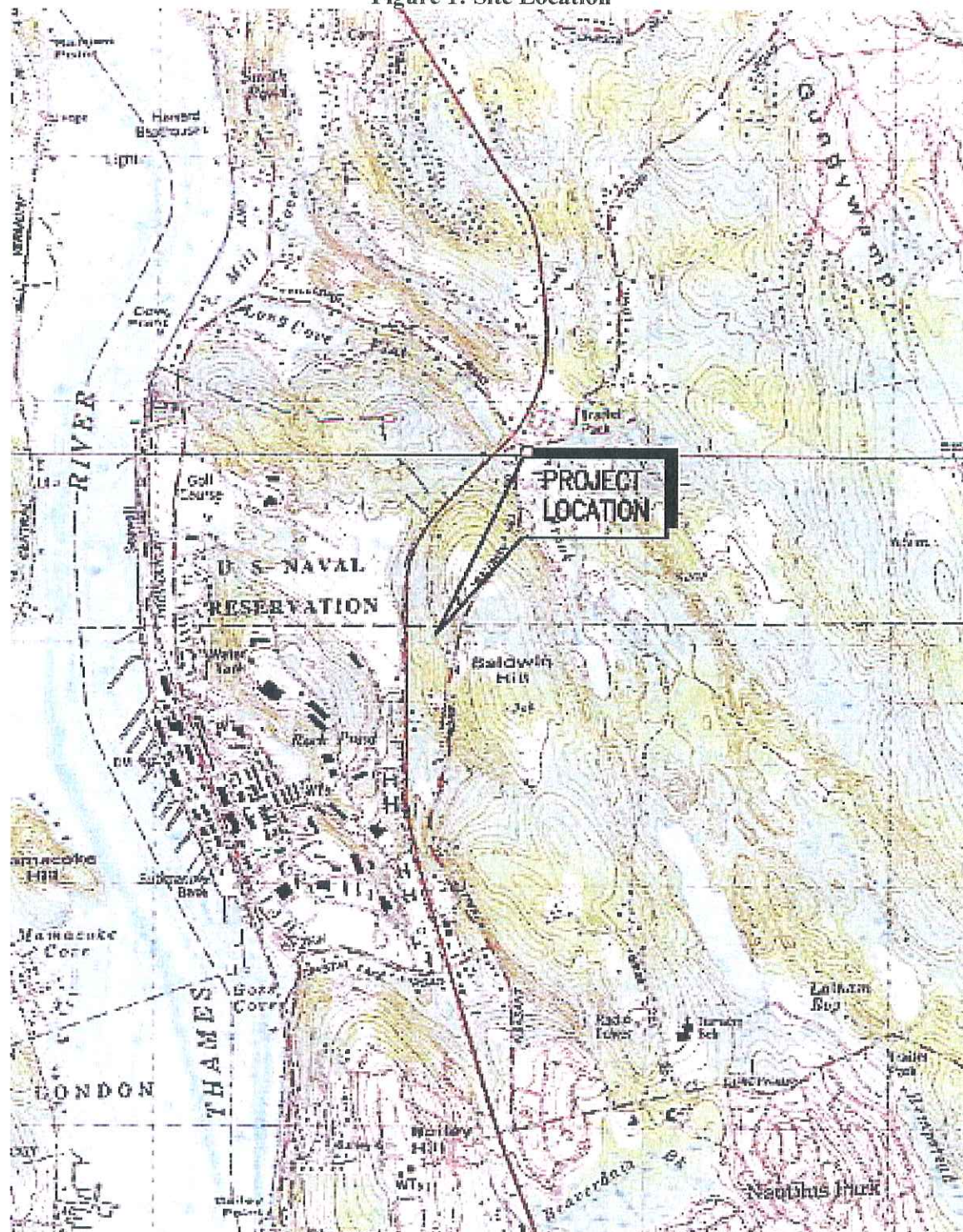
78. In order to provide reliable in-building coverage on the naval base, T-Mobile needs a signal strength of -76 dBm or better. T-Mobile could achieve this signal strength for most of the naval base with its antennas at 137 feet AGL. If its antennas were located at 127 feet AGL, T-Mobile would lose some of its in-building coverage. (Tr. 1, pp. 23-24)
79. T-Mobile would be able to handle 760 simultaneous calls from the submarine base utilizing the proposed site and an additional existing site that provides some coverage to the southern-most area of the base. (Late-filed Responses from Co-Applicants to Comments from the Connecticut Siting Council, dated May 17, 2007, Answer 2)
80. The minimum height at which T-Mobile could achieve its coverage objectives at the proposed site is 137 feet AGL. (Tr. 1, pp. 25-26)
81. Existing adjacent T-Mobile sites that would interact with the proposed site are presented in the table below. None of these existing sites provides adequate coverage to the target service area.

Location	Antenna Height agl	Approximate Distance from Site
136 Vinegar Hill Road, Ledyard	187.5 feet - lattice	2.12 miles northeast
71 Moxley Hill Road, Montville	150 feet – guyed lattice	3.38 miles northwest
861 Vauxhall Street Extension, Waterford	112 feet - water tank	3.7 miles west
53 Dayton Road, Waterford	165 feet – lattice	3.5 miles southwest
281 State Street, New London	157 feet – rooftop	3.24 miles southwest
29 Skyview Terrace, Groton	65 feet – water standpipe	1.37 miles south
404 Bridge Street, Groton	60 feet - billboard	2.68 miles south

(Optasite 2, Responses 16 & 17)

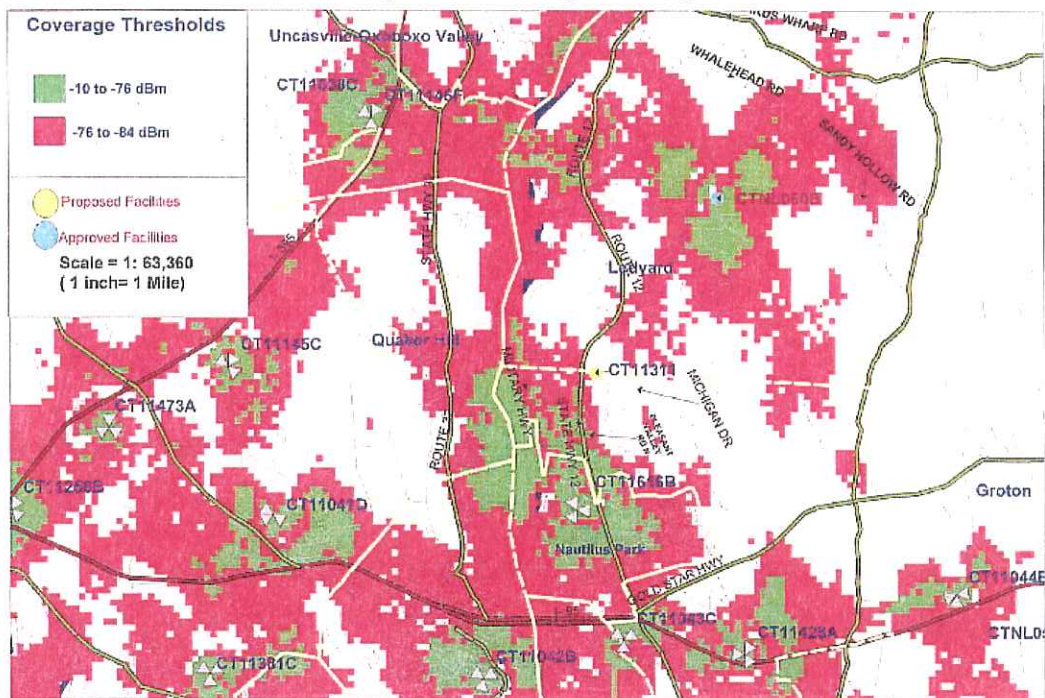
82. T-Mobile's antennas would cover approximately 11.96 square miles from the proposed site. (Optasite 2, Response 25)
83. A small pocket along Route 12 would remain without coverage even with T-Mobile's antennas at 137 feet AGL. T-Mobile does not have any plans that would fill this hole in its coverage. (Tr. 1, pp. 35-36)
84. Because this coverage gap is in a small valley along Route 12, T-Mobile would need at tower well over 200 feet high at the proposed location to be able to cover this area. (Tr. 1, pp. 60-61)

Figure 1: Site Location



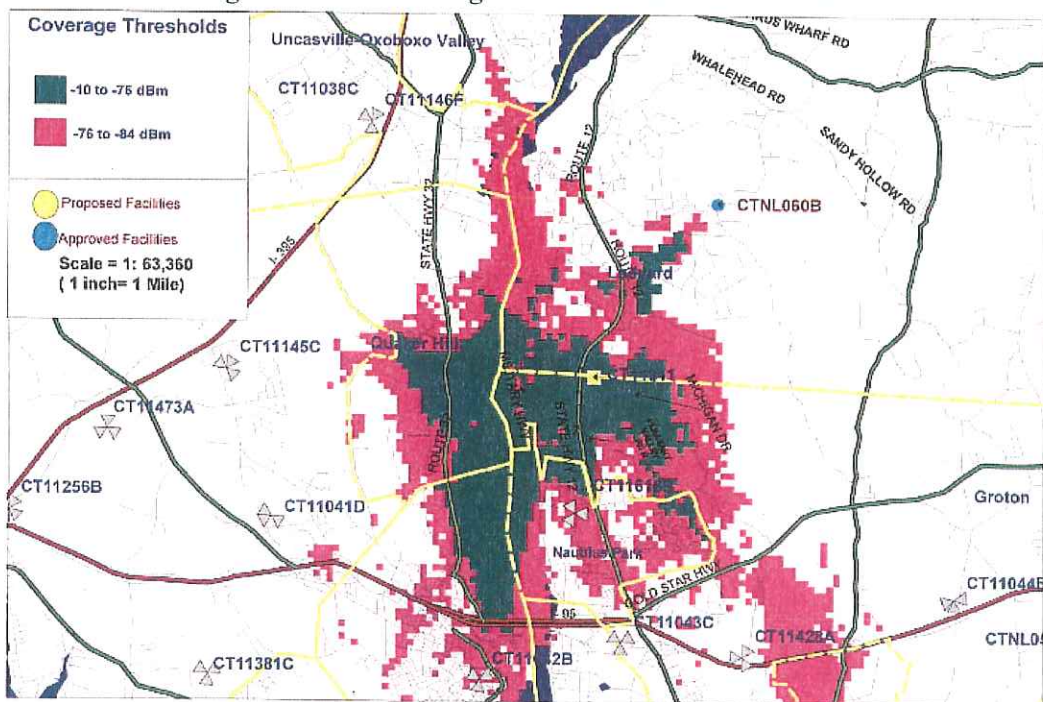
(Optasite 1, Exhibit A)

Figure 2: Existing Coverage



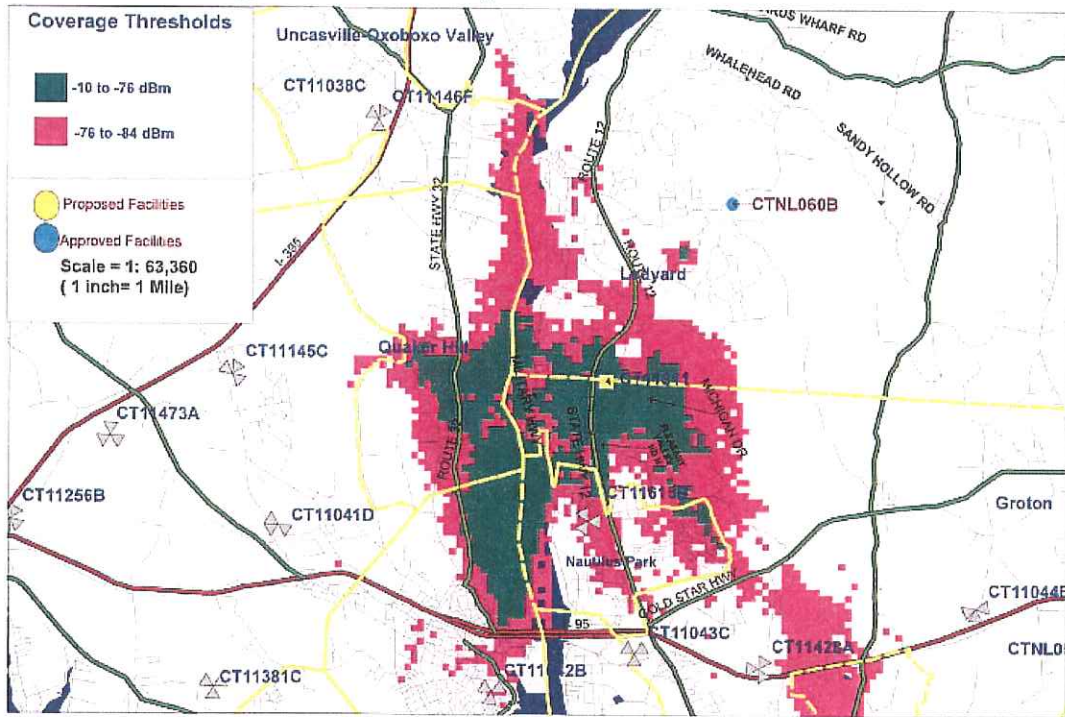
(Optasite 1, Exhibit F)

Figure 3: Site Coverage with antennas at 137' AGL



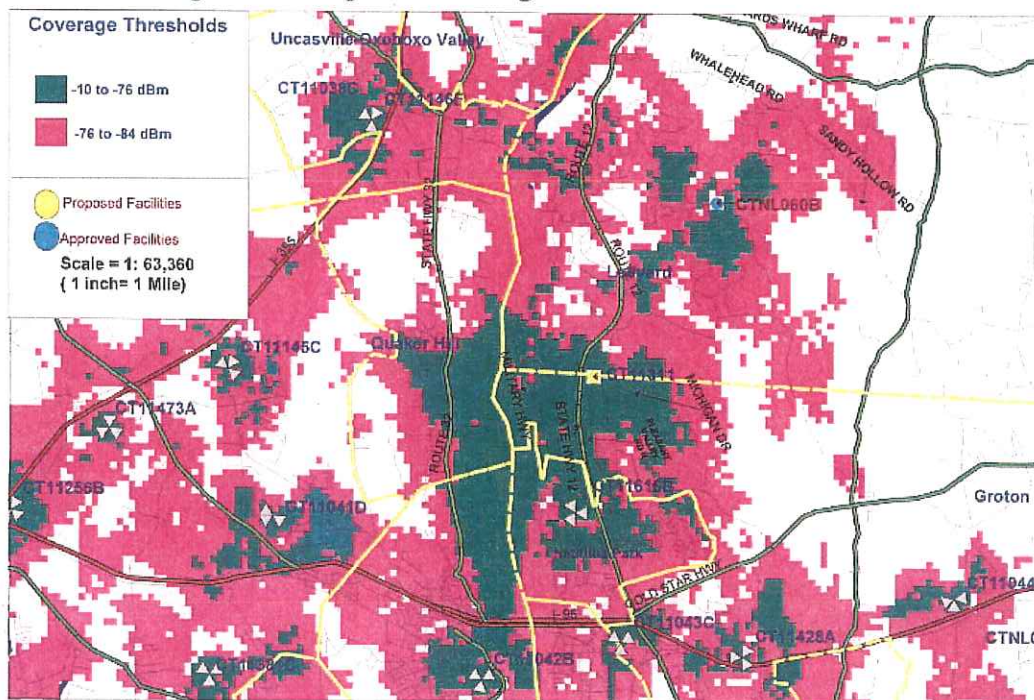
(Optasite 9)

Figure 4: Site Coverage with antennas at 127' AGL



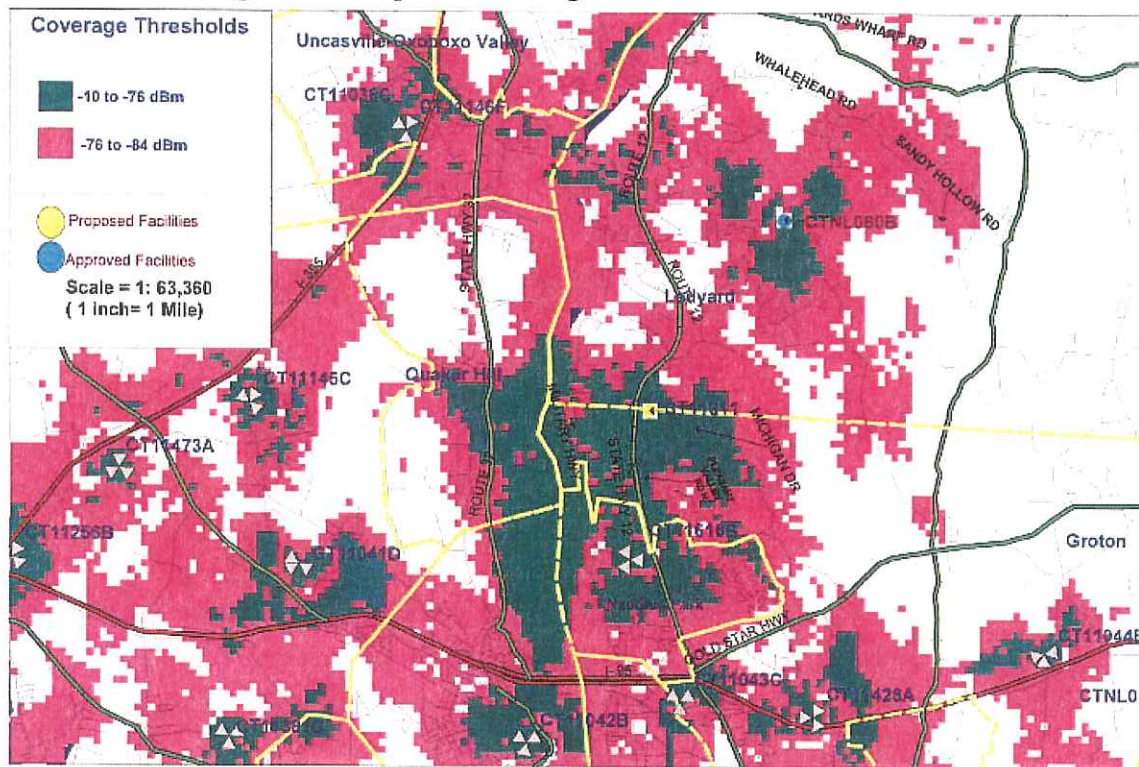
(Optasite 9)

Figure 5: Composite Coverage with antennas at 137' AGL



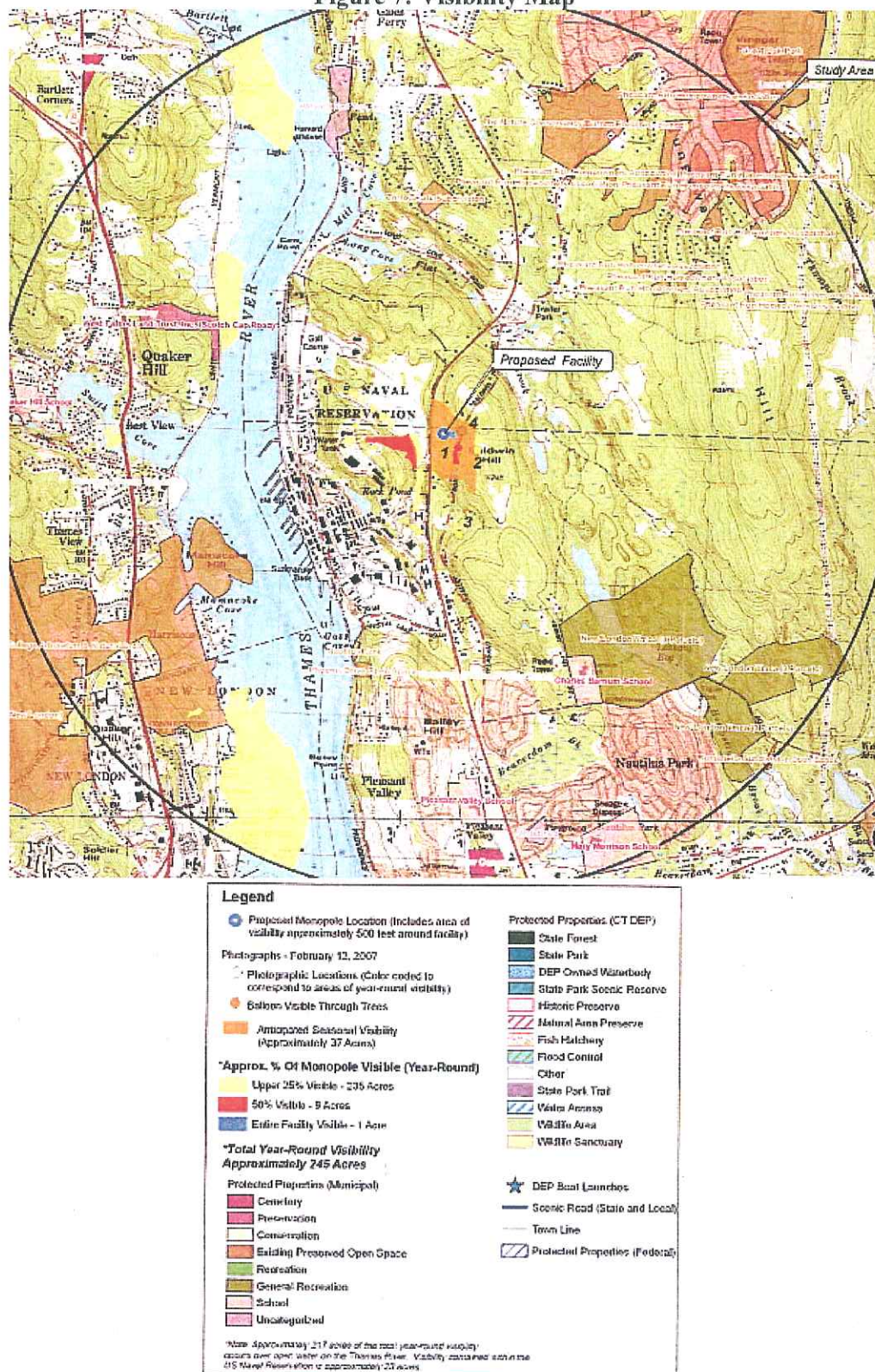
(Optasite 9)

Figure 6: Composite Coverage with antennas at 127' AGL



(Optasite 9)

Figure 7: Visibility Map



(Optasite 1, Exhibit J)

DOCKET NO. 330 – Optasite Towers, LLC and Omnipoint } Connecticut
Communications, Inc. application for a Certificate of }
Environmental Compatibility and Public Need for the } Siting
construction, maintenance and operation of a telecommunications }
facility at 1294 Pleasant Valley Road North in Groton, } Council
Connecticut.

June 7, 2007

Opinion

On February 2, 2007, Optasite Towers, LLC (Optasite) and Omnipoint Communications, Inc. (T-Mobile) applied to the Connecticut Siting Council (Council) for the issuance of a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a wireless telecommunications facility at 1294 Pleasant Valley Road North in Groton, Connecticut. The applicant sought to develop a facility on a 3.66-acre parcel owned by JFM Enterprises and used as a dog boarding and grooming business and a horse paddock. This location would enable T-Mobile to provide wireless service along Route 12 in Groton and Ledyard and along parts of Route 32 across the Thames River in New London and Montville. It would also enable T-Mobile to provide in-building coverage to the submarine base located a short distance west of the proposed facility between Route 12 and the Thames River.

At the proposed location, Optasite would erect a 140-foot steel monopole tower. The tower would be located within a 50-foot by 50-foot compound. The compound would be enclosed by an eight-foot high chain link fence. The tower would be designed to accommodate the antennas of up to four carriers. Vehicular access to the facility would extend 180 feet from Pleasant Valley Road North over an existing asphalt driveway then 60 feet over an existing gravel driveway, and then 130 feet over a new gravel access drive that would be installed. Utility services would extend underground from Pleasant Valley Road North along the accessway.

Sprint/Nextel and Verizon have expressed a potential interest in locating on this tower but have not formally committed to such use. The Town of Groton has also expressed an interest in locating emergency service antennas on this tower. Therefore, the Council will order the Certificate Holder to provide reasonable space on the tower to the town for no compensation.

The tower's setback radius would be completely contained within the host property.

The proposed tower would be visible year-round from approximately 245 acres within a two-mile radius of the site. Of this total, 217 acres would consist of parts of the Thames River. An additional 23 acres are located on the submarine base a short distance to the west of the site. The tower would be seasonally visible from approximately 37 acres within a two-mile radius of the site. These acres are mostly limited to the immediate vicinity of the proposed facility, generally within 0.20 miles of the site. An estimated eight residential properties would have a partial year-round view of the proposed tower. As many as three additional residences would have a year-round view once the Woods Walk Condominiums, under construction at the time of this application, are finished. Approximately ten residences would have partial, seasonal views of the proposed tower.

The closest wetlands to the site are approximately 110 feet to the south. No trees with a diameter of six inches or greater at breast height would be cleared to construct the facility.

No endangered or threatened species are known to inhabit the area of the site.

The proposed project would have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the radio frequency power density levels of the T-Mobile's antennas proposed to be installed on the tower have been calculated to amount to 2.64% of the FCC's Maximum Permissible Exposure, as measured at the base of the tower. This percentage is well below federal and state standards established for the frequencies used by wireless companies. If federal or state standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other carriers add antennas to the tower. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions.

Optasite identified 15 towers or electric transmission line structures within a four mile radius of the proposed site. These structures were no of sufficient height to provide for T-Mobile's coverage objectives. Moreover, several other sites were considered and rejected for the following reasons: land with extreme grade or rocky terrain, property owners declined lease offers, insufficient space for a tower site, and co-location on a water tank was declined by the owner.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, operation, and maintenance of the proposed telecommunications facility, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with policies of the State concerning such effects, and are not sufficient reason to deny this application. Therefore, the Council will issue a Certificate for the construction, operation, and maintenance of a telecommunications facility, which would include a 140-foot steel monopole tower, at the proposed site at 1294 Pleasant Valley Road North in Groton, Connecticut.

DOCKET NO. 330 – Optasite Towers, LLC and Omnipoint } Connecticut
Communications, Inc. application for a Certificate of }
Environmental Compatibility and Public Need for the } Siting
construction, maintenance and operation of a telecommunications }
facility at 1294 Pleasant Valley Road North in Groton, } Council
Connecticut.

June 7, 2007

Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, operation, and maintenance of a telecommunications facility including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to Optasite Towers, LLC for the construction, maintenance and operation of a wireless telecommunications facility to be located at 1294 Pleasant Valley Road North in Groton, Connecticut.

The facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The tower shall be designed as a steel monopole and shall be constructed no taller than 140 feet above ground level to provide telecommunications services to both public and private entities.
2. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of Groton and all parties and intervenors, as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
 - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antenna mountings, equipment building, access road, utility line, and landscaping; and
 - b) construction plans for site clearing, water drainage, and erosion and sedimentation control consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.

3. The Certificate Holder shall, prior to the commencement of operation, provide the Council worst-case modeling of electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of electromagnetic radio frequency power density is submitted to the Council in the event other carriers locate at this facility or if circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.
4. Upon the establishment of any new state or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
5. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
6. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town of Groton public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
7. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed and providing wireless services within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline.
8. Any request for extension of the time period referred to in Condition 7 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of Groton. Any proposed modifications to this Decision and Order shall likewise be so served.
9. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
10. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.

11. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction and the commencement of site operation.

Pursuant to General Statutes § 16-50p, we hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in the New London Day and the Norwich Bulletin.


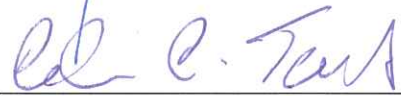
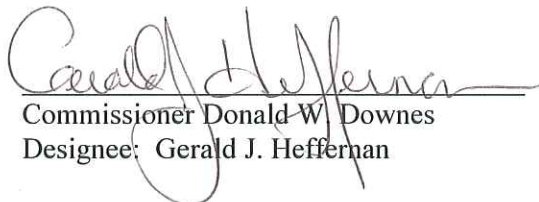

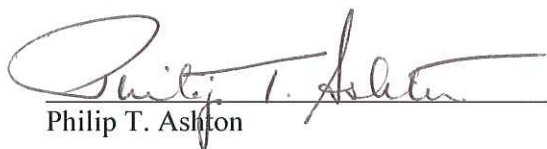
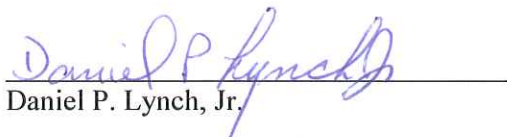


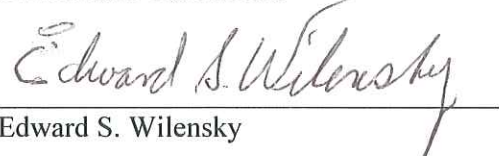
By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors in this proceeding are:

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Optasite Towers, LLC One Research Drive, Suite 200C Westborough, MA 01581 Omnipoint Communications, Inc. 100 Filley Street Bloomfield, CT 06002	Julie Kohler, Esq. Carrie L. Larson, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 (203) 368-0211 (203) 394-9901 fax jkohler@cohenandwolf.com clarson@cohenandwolf.com

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a telecommunications facility at 1294 Pleasant Valley Road North, Groton, Connecticut; and voted as follows to approve the proposed facility located at 1294 Pleasant Valley Road North, Groton, Connecticut:

<u>Council Members</u>	<u>Vote Cast</u>
 Daniel F. Caruso, Chairman	Yes
 Colin C. Tait, Vice Chairman	Yes
 Commissioner Donald W. Downes Designee: Gerald J. Heffernan	Yes
 Commissioner Gina McCarthy Designee: Brian J. Emerick	Abstain
 Philip T. Ashton	Yes
 Daniel P. Lynch, Jr.	Abstain
 James J. Murphy, Jr.	Yes
 Dr. Barbara Currier Bell	Yes
 Edward S. Wilensky	Yes

Dated at New Britain, Connecticut, June 7, 2007.

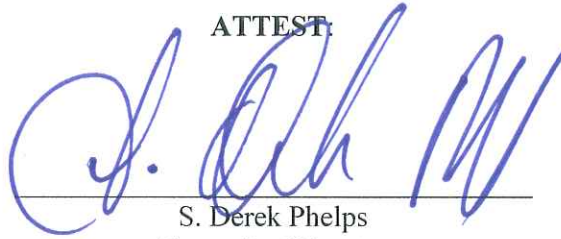
STATE OF CONNECTICUT)

ss. New Britain, Connecticut :

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

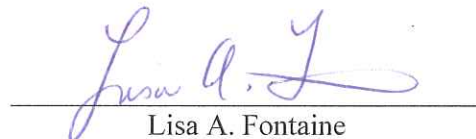
ATTEST:



S. Derek Phelps
Executive Director
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 330 has been forwarded by Certified First Class Return Receipt Requested mail on June 12, 2007, to all parties and intervenors of record as listed on the attached service list, dated February 26, 2007.

ATTEST:



Lisa A. Fontaine
Administrative Assistant
Connecticut Siting Council

Date: February 26, 2007

Docket No. 330

Page 1 of 1

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Optasite Towers LLC and Omnipoint Communications, Inc.	Julie Kohler, Esq. Carrie L. Larson, Esq. Deborah S. Erickson, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 (203) 368-0211 (203) 394-9901 fax jkohler@cohenandwolf.com clarson@cohenandwolf.com derickson@cohenandwolf.com